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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|--------------------------|----------------------|---------------------|------------------|
| 10/743,435 | 12/23/2003 | John Baranowski | 016354.0208 | 7528 |
| ²⁴⁷³⁵ BAKER BOTT | 7590 04/23/2007 S LLP | EXAMINER | | |
| C/O INTELLECTUAL PROPERTY DEPARTMENT THE WARNER, SUITE 1300 1299 PENNSYLVANIA AVE, NW WASHINGTON, DC 20004-2400 | | | KUMAR, RAKESH | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3654 | |
| | | | | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 04/23/2007 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

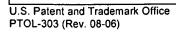
Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptocorrespondence@bakerbotts.com oneka.davis@bakerbotts.com darlene_hoskins31@msn.com

Advisory Action Before the Filing of an Appeal Brief

| Application No. | Applicant(s) | |
|-----------------|------------------|--|
| 10/743,435 | BARANOWSKI, JOHN | |
| Examiner | Art Unit | |
| Rakesh Kumar | 3654 | |

| The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 20 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonmen this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the fol time periods: a) ☑ The period for reply expires 2 months from the mailing date of the final rejection. b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is 1 no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITH TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension are the final colored. Any reply received by the Office later than three months after the mailing date of the final rejection, even if time may reduce any earned patent term adjustment. See 37 CFR 1.704(b). | or (3) owing ater. In IIIN In fee on fee or (2) as ly filed, |
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| NOTICE OF APPEAL | ate of |
| 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the confiling the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS | Since |
| | |
| 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); | |
| (c) ☑ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues appeal; and/or | for |
| (d) They present additional claims without canceling a corresponding number of finally rejected claims. | |
| NOTE: (See 37 CFR 1.116 and 41.33(a)). | 4) |
| The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-32 Applicant's reply has overcome the following rejection(s): | 4). |
| 6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment cancel non-allowable claim(s). | ng the |
| 7. Solution For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: | ı of |
| Claim(s) objected to: | |
| Claim(s) rejected: <u>1-13</u> . | |
| Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE | |
| 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be ente because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary was not earlier presented. See 37 CFR 1.116(e). | ed ry and |
| 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to prove showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). | |
| 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER | |
| 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because | se: |
| See Continuation Sheet. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s) 13. Other: GENERAL GRAWFORD | |
| SUPERVISORY) PATENT EXAMINER | |



Continuation of 11. does NOT place the application in condition for allowance because: the Remarks filed by the Applicant do not traverse prior art rejections as filed in the Office Action 12/28/2006.